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10/804,368	03/18/2004	Yuuki Inoue	2271/71533	9208

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EXAMINER
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DICKER, DENNIS T

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/804,368	INOUE, YUUKI
	<b>Examiner</b>	<b>Art Unit</b>
	Dennis Dicker	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 November 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 

Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)
 

Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1-47 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-~~22~~<sup>33</sup> are rejected under 35 U.S.C. 101 because the Claimed invention is directed to non-statutory subject matter. Claims 12-~~22~~<sup>33</sup> fail to Claim that the program is recorded on an appropriate computer readable medium so as to be structurally functionally interrelated to the medium and thus permit the function of a descriptive material to be realized.

Examples of acceptable language in computer-processing relating claims

1. "Computer readable medium" encoded with
  - [a] "a computer program"
  - [b] "Software"
  - [c] "Computer executable instructions"
  - [d] "Instructions capable of being executed on a computer"
2. "A computer readable medium \_\_\_\_\_ computer program"
  - [a] storing a
  - [b] embodied with a

[c] encoded with a

[d] having a stored

[e] having an encoded

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-37, 39-41 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanamori et al (hereinafter "Kanamori '978" 4,929,978) in view of Rylander (hereinafter "Rylander '648 " WO 93/20648) and further in view of Adam et al (hereinafter "Adam '739" 2004/0130739).

With respect to **Claim 1**, Kanamori '978 teaches an image processing method (i.e., **Col. 2 Line 51, image processing method implemented in an image processing apparatus**), comprising the steps of: a) producing a plurality of color profiles provided for performing color conversion on input image information within a same color space or through different color spaces (i.e., **Column 9 Line 66 to Column 10 Line 6, a plurality of color profiles (tables) for performing color conversion on input image information through different color spaces**) ; and b) selecting one of said plurality of color profiles (i.e., **Column 10 Lines 37-51, a plurality of color profiles may be selected**) and Rylander '648 teaches performing color conversion

among a plurality of image forming apparatuses (i.e., 56 and 66 of Fig. 1 and Col. 3

**Lines 19-20, performing color conversion among a plurality of image forming apparatuses).**

The combination of Kanamori '978 and Rylander '648 does not explicitly teach using said selected color profile to convert input color data, in a device-dependent color space of one of said plurality of image forming apparatuses to converted color data, in a device-dependent color space of another of said plurality of image forming apparatuses, each of said input color data and said converted color data corresponding to a same color in a data device-independent color space, wherein color in an image formed by said one of said plurality of image forming apparatuses using said device-dependent input color data is visually equal to color of an image formed by said another of said plurality of image forming apparatuses using said converted device dependent color data .

However, the mentioned claimed limitations are well known in the art as evidenced by Adam '739, In particular, Adam '739 teaches the use of using said selected color profile to convert input color data, in a device-dependent color space of one of said plurality of image forming apparatuses (i.e., **Para 0063, a color profile is selected to convert input data into a dependent color space of any image forming apparatus**), to converted color data, in a device-dependent color space of another of said plurality of image forming apparatuses (i.e., **Para 0063, selected color profile may be used to convert input image data into any of a plurality of image forming apparatuses** ), each of said input color data and said converted color data

corresponding to a same color in a data device-independent color space (i.e., **Para 0062, the input image data and the converted color data corresponds to the same color data in an independent color space**), wherein color in an image formed by said one of said plurality of image forming apparatuses using said device-dependent input color data is visually equal to color of an image formed by said another of said plurality of image forming apparatuses using said converted device dependent color data (i.e., **Para 0062, the image colors there were reproduced by one of said plurality of image forming apparatuses and the device dependent input color data match**).

In view of this, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the method of Kanamori '978 and Rylander '648 as taught by Adam '739 since Adam '739 suggested in Para 0062 that such a modification would provide color reproduction system that provides reproduced colors that match the original colors.

With respect to **Claim 2**, Kanamori '978 teaches an image processing method comprising the step of: producing the color profile whereby color of an image formed by another of said plurality of image forming apparatuses may be made to effectively approximate the thus-measured color (i.e., **91 of Fig. 11, a color profile is created to effectively approximate thus measured color of an image formed by another of said plurality of image forming apparatuses**) and Rylander '648 teaches the use an image processing method, which comprises the step of actually measuring color an image formed by one of said plurality of image forming apparatuses. (i.e., **Column 1 Lines 22-25, measuring of an image formed by an image forming apparatus**).

With respect to **Claim 3**, Kanamori '978 teaches an image processing method wherein: step b) comprises the steps of: b-1) inputting image data in an RGB color space (i.e., **Col.4 Lines 35-40, original image is inputted into RGB color space**) ; and b-2) selecting one of said plurality of color profiles provided for performing color conversion within the RGB color space (i.e., **Figure 11 and Column 4 Lines 35-51, color profiles are respectively selected for color conversion within the RGB color space**) whereby colors of images formed by first and second image forming apparatuses of said plurality of image forming apparatuses may be made to effectively approximate one another (i.e., **Figure 11 and Column 6 Lines 8-25,Color conversion by first and second image forming apparatuses can be made effectively approximate with respect to input image in RGB color space**).

With respect to **Claim 4**, Kanamori '978 teaches an image processing method wherein: step b) comprises the steps of: b-1) inputting image data in an RGB color space (i.e., **Col.4 Lines 35-40, original image is inputted into RGB color space**); and b-2) selecting one of said plurality of color profiles provided for performing color conversion from the RGB color space through a CMYK color space (i.e., **Figure 11 and Column 4 Lines 35-51, color profiles are respectively selected for color conversion from the RGB color space through a CMYK color space**) whereby colors of images formed by first and second image forming apparatuses of said plurality of image forming apparatuses may be made to effectively approximate one another (i.e., **Figure 11 and Column 6 Lines 8-25,Color conversion by first and second image forming**

**apparatuses can be made effectively approximate with respect to input image in RGB color space).**

With respect to **Claim 5**, Rylander '648 teaches the use of a plurality of color profiles (i.e.,**74 of Fig. 1, Look up table of a includes a plurality of color profiles**) are provided in a host computer (i.e., **Fig. 1, 52, host computer provides color profiles**) which provides color information to the image forming apparatus for causing it to form a color image and step b) is performed by said host computer (i.e., **Column 8 Lines 1-10, host computer provides color information and color conversion to the image forming apparatus**).

With respect to **Claim 6**, Kanamori '978 teaches an image processing method wherein: a plurality of color profiles is provided in the image forming apparatus, and step b) is performed by an image forming apparatus (i.e., **Col. 6 Lines 8-10, plurality of color profiles are provided in the image forming apparatus and provide color conversion for output apparatus**).

With respect to **Claim 7**, Kanamori '978 teaches an image processing method and apparatus wherein: color profiles selected in step b) comprise a color profile whereby a color difference in a predetermined color space, which does not depend on apparatus types between images formed by the image forming apparatuses, may be made to effectively approximate each other (i.e., **Col. 17 Lines 60-64, apparatus types do not depend on color profiles because all selected color profiles area converted into a device independent color space** ).

With respect to **Claim 8**, Kanamori '978 teaches an image processing method wherein: a color space which does not depend on apparatus types comprises any one of an LAB color space, an XYZ color space and an LUV color space defined by CIE (i.e., **Column 17 Lines 18-32, independent color space comprises the LUV color space**).

With respect to **Claim 9**, Rylander '648 teaches a method wherein step a) of selecting one of said plurality of color profiles to be actually applied is performed externally of the relevant image forming apparatus (i.e., **Column 8 Lines 1-10, host computer provides color profiles externally to be applied externally of the relevant image forming apparatus**).

With respect to **Claim 10**, Kanamori '978 teaches an image processing method wherein step a) of selecting one of said plurality of color profiles to be actually applied is performed from designation of the particular image forming apparatus which is actually applied (i.e., **Col. 6 Lines 8-12, the image processing method may be applied to an color copier where selecting one of said plurality of color profile is performed from designation of the particular imager forming apparatus.**)

With respect to **Claim 11**, Rylander '648 teaches an image processing method wherein: the color profile which effectively reduces a color difference between images in the predetermined color space which does not depend on apparatus types (i.e., **Column 8 Lines 1-10, color profile selected by LUT reduces a color difference because same color will be selected for the predetermined color space which is independent of an apparatus type**); is created by the following steps:

c) Producing, in a computer, color patches from uniformly dividing a color space, which depends on an apparatus type of a first image forming apparatus (i.e., **Column 3**

**Lines 23-24, in a computer color patches are generated which final color will depend on apparatus type);**

d) Obtaining corresponding color patches in an image formed from said first image forming apparatus according to color patch data produced in step c) (i.e.,

**Column 10 Lines 4-1, color patches are corresponded to an independent color space) ;**

e) Measuring coordinate values of the color patches obtained in said step d) in the predetermined color space which does not depend on apparatus types (i.e., **16 of**

**Figure 2,coordinate values of color patches are measured for accurate correspondence to predetermined independent color space ).**

f) Obtaining a relationship, for each color patch, between the Color space which depends on the apparatus type of the first image forming apparatus and the predetermined color space which does not depend on apparatus types, based on a measurement result in step e) (i.e., **18 and 20 of Figure 2, a relationship is obtained for each patch between the input color space and the independent color space);**

g) Obtaining a relationship between the predetermined color space which does not depend on apparatus types in an image formed by a second image forming apparatus and the predetermined color space which depends on an apparatus type of said second image forming apparatus (i.e., **28 and 30 of Figure 2, a relationship is**

**obtained between the predetermined independent color space and the color space of the apparatus type); and**

h) Calculating a coordinate value in the color space which depends on the apparatus type of said second image forming apparatus for each color path whereby color of an image formed by said second image forming apparatus should have a color difference which is effectively reduced from color of an image formed by said first image forming apparatus (i.e., 28 and 30 of Figure 2, the color coordinate values are calculated depending on the second image forming apparatus where the color difference of the second image forming apparatus is effectively reduced from the color in the first image forming apparatus) , according to the relationship between the predetermined color space which does not depend on apparatus types in an image formed by said second image forming apparatus and the color space which depends on the apparatus type of said second image forming apparatus, obtained in said step g) (i.e., 36 of Fig. 2, color coordinate values are calculated based on relationship between the predetermined independent color space and the apparatus type)

With respect to **Claim 12**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in Claim 1 (i.e., **Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 1**).

With respect to **Claim 13**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image

**processing method in Claim 2 (i.e., Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 2).**

With respect to **Claim 14**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in **Claim 3 (i.e., Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 3)**.

With respect to **Claim 15**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in **Claim 4 (i.e., Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 4)**.

With respect to **Claim 16**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in **Claim 5 (i.e., Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 5)**.

With respect to **Claim 17**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in **Claim 6 (i.e., Column 10 Lines 52-55, digital processor**

**comprising instructions causing a computer to execute the steps of the image processing method of Claim 6).**

With respect to **Claim 18**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in Claim 7 (i.e., **Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 7**).

With respect to **Claim 19**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in Claim 8 (i.e., **Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 8**).

With respect to **Claim 20**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in Claim 9 (i.e., **Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 9**).

With respect to **Claim 21**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in Claim 10 (i.e., **Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 10**).

With respect to **Claim 22**, Kanamori '978 teaches a program comprising instructions causing a computer to execute the respective steps of the image processing method in Claim 11 (i.e., **Column 10 Lines 52-55, digital processor comprising instructions causing a computer to execute the steps of the image processing method of Claim 11**).

With respect to **Claim 23**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12. (i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 12**)

With respect to **Claim 24**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12. (i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 13**)

With respect to **Claim 25**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12. (i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 14**)

With respect to **Claim 26**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12.

(i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 15**)

With respect to **Claim 27**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12.

(i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 16**)

With respect to **Claim 28**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12.

(i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 17**)

With respect to **Claim 29**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12.

(i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 18**)

With respect to **Claim 30**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12.

(i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer**

**readable information on a recording medium which stores a program claimed in  
Claim 19)**

With respect to **Claim 31**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12. (i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 20**)

With respect to **Claim 32**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12. (i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 21**)

With respect to **Claim 33**, Kanamori '978 teaches a computer readable information recording medium which stores therein the program claimed in claim 12. (i.e., **Column 10 Lines 52-55, programmed digital processor will contain computer readable information on a recording medium which stores a program claimed in Claim 22**)

With respect to **Claim 34**, Kanamori '978 teaches an image processing apparatus (i.e., **Col. 17 Lines 5-10, image processing method implemented in an image processing apparatus**) comprising: a plurality of color profiles whereby colors of images formed by the respective image forming apparatuses may be made effectively approximate each other through color conversion performed by said part with

the use of the color profiles (i.e., **91 of Fig. 11, from a plurality of color profiles one color profile is created to effectively approximate thus measured color of an image formed by another of said plurality of image forming apparatuses**) and Rylander '648 teaches a color conversion part performing color conversion among a plurality of image forming apparatuses (i.e., **Column 1 Lines 22-25, measuring of an image formed by an image forming apparatus**).

The combination of Kanamori '978 and Rylander '648 do not teach an image processing apparatus wherein said color conversion part uses one of the color profiles to convert input color data in a device-dependent color space of one of said plurality of image forming, to converted color data, in a device-dependent color space of another of said plurality of image forming apparatuses, each of said input color data and said converted color data corresponding to a same color in a data device-independent color space.

However, the mentioned claimed limitations are well known in the art as evidenced by Adam '739, In particular, Adam '739 teaches the use of an image processing apparatus wherein said color conversion part uses one of the color profiles to convert input color data in a device-dependent color space of one of said plurality of image forming apparatuses (i.e., **Para 0063, a color profile is selected to convert input data into a dependent color space of any image forming apparatus**), to converted color data, in a device-dependent color space of another of said plurality of image forming apparatuses (i.e., **Para 0063, selected color profile may be used to convert input image data into any of a plurality of image forming apparatuses** ),

each of said input color data and said converted color data corresponding to a same color in a data device-independent color space (i.e., **Para 0062, the input image data and the converted color data corresponds to the same color data in an independent color space**).

In view of this, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the method of Kanamori '978 and Rylander '648 as taught by Adam '739 since Adam '739 suggested in Para 0062 that such a modification would provide color reproduction system that provides reproduced colors that match the original colors.

With respect to **Claim 35**, Rylander '648 teaches the use an image processing apparatus, which comprises teaches an image processing apparatus, wherein: said plurality of color profiles are provided from actually measuring color of an image formed by one of said plurality of image forming apparatuses (i.e., **Column 1 Lines 22-25, measuring of an image formed by an image forming apparatus**), and Kanamori '978 teaches creating a color profile whereby color of an image effectively approximating the measured color is formed by another of said plurality of image forming apparatuses approximately equal thereto (i.e., **91 of Fig. 11, a color profile is created to effectively approximate thus measured color of an image formed by another of said plurality of image forming apparatuses**).

With respect to **Claim 36**, Kanamori '978 teaches an image processing apparatus, wherein: said plurality of color profiles comprise color profiles whereby a color difference in a color space, which does not depend on apparatus types between

**images (i.e., Figure 11 and Column 4 Lines 35-51, color profiles are respectively selected for color conversion within the RGB color space and when converted do not depend on apparatus types) formed by the image forming apparatuses may be made to effectively approximate each other (i.e., Figure 11 and Column 6 Lines 8-25, Color conversion by first and second image forming apparatuses can be made effectively approximate with respect to input image in RGB color space).**

With respect to **Claim 37**, Kanamori '978 teaches an image processing apparatus wherein: said color space which does not depend on apparatus types comprises any one of an LAB color space, an XYZ color space and an LUV color space defined by CIE' (i.e., **Column 17 Lines 18-32, independent color space comprises the LUV color space**).

With respect to **Claim 39**, Kanamori '978 teaches an image processing apparatus comprising a controller provided in one of the plurality of image forming apparatuses which forms an image having color which is made to effectively approximate color of image formed by another of said plurality of image forming apparatuses with the use of the color profile (i.e., **Column 6 Lines 8-25, the image forming apparatus is provided with a controller that forms an image which is made to effectively approximate color of another with the use of a profile**)

With respect to **Claim 40**, Rylander '648 teaches an image processing apparatus wherein: said plurality of color profiles Comprise color conversion tables for performing color conversion from an RGB color space to a CMYK color space (i.e., **Col. 1 Lines**

**22-25, color profiles in the RGB color space are converted to CMYK color space by the table [74 of Fig. 1].**

With respect to **Claim 41**, Rylander '648 teaches an image processing apparatus further comprising, a part selecting a color profile to be applied from among the plurality of color profiles (i.e., Col. 7 Lines 23-25, a print profile containing comprising a set of data points are selected to be applied).

With respect to **Claim 43**, Kanamori '978 teaches an image forming apparatus comprising: the image processing apparatus and an image forming part which forms a visible image on a recording medium based on image information output from said image processing apparatus (i.e., 13 and 14 of Fig. 1, a visible image is formed on a recording medium based on image information from said image processing apparatus)

With respect to **Claim 44**, Rylander '648 teaches an image processing method, further comprising: forming a color profile configured to include for each of a plurality of coordinates of a RGB color space of a first image forming apparatus (i.e., Col 6 Lines 27-31 , a color profile is formed of a plurality of coordinates of a first apparatus of a RGB color space) a correspondence relationship of the coordinate of the RGB color space of said first forming apparatus (i.e., Col 7 Lines 16-19, the correspondence relationship of the coordinates are made with and independent color space ) to a simulated coordinate in a RGB color space of a second image forming apparatus (i.e., Col 9 Lines 18-22, the independent color space allows a correspondence between RGB color spaces of a first and second image forming apparatus).

With respect to **Claim 45**, Rylander '648 teaches an image processing method further comprising generating first color patches with said first image forming apparatus utilizing RGB color patch data (i.e., **14 of Fig. 2, Color patches utilizing RGB color patch data are generated**), obtaining first measurements of said first color patches in a device-independent color space (i.e., **16 of Fig. 2, first color patches are measured into device independent color space**), and establishing a first correspondence relationship of a RGB color space of said first image forming apparatus to said device-independent color space (i.e., **18 of Fig. 2 , a first correspondence relationship is established with device independent color space** ), based on said RGB color patch data ,and said first measurements in said device-independent color space (i.e., **20 of Fig. 2 , Correspondence in device independent color space is based on first RGB space** )

With respect to **Claim 46**, Rylander '648 teaches an image processing method further comprising generating second color patches with said second image forming apparatus utilizing said RGB color patch data (i.e., **24 of Fig. 2, Color patches utilizing RGB color patch data are generated**), obtaining second measurements of said second color patches in said device-independent color space (i.e., **26 of Fig. 2, second color patches are measured into device independent color space**), and establishing a second correspondence relationship of a RGB color space of said second image forming apparatus to said device-independent color space (i.e., **28 of Fig. 2 , a second correspondence relationship is established with device independent color space**), based on said RGB color patch data and said second measurements in

said device independent color space (i.e., 30 of Fig. 2 , Correspondence in device independent color space is based on second RGB space ).

3. Claim 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over '978 in view '648 in view of '739 and in further of Akira (hereinafter " Akira '938" JP 2001-358938).

With respect to **Claim 38**, the combination of Kanamori '978, Rylander '648 and Adam, '739 do not explicitly teach an image processing apparatus comprising a printer driver provided in a host computer which outputs printing information to the image forming apparatus.

However, the mentioned claimed limitations are well known in the art as evidenced by Akira '938, In particular, Akira '938 teaches the use of image processing apparatus comprising a printer driver provided in a host computer which outputs printing information to the image forming apparatus (i.e., **Para 0012, computer provided with a printer driver which outputs the data in the computer to the printer**).

In view of this, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the image processing apparatus of Kanamori '978, Rylander '648 and Adam, '739 as taught by Akira '938 since Akira '938 suggested that such a modification would utilize a host computer to control and send print information to an image forming apparatus for overall control of an image forming apparatus from a remote location.

With respect to **Claim 42**, Rylander '648 teaches image forming apparatus comprising said part selecting a color profile to be applied from among the plurality of

Art Unit: 2625

**color profiles (i.e., Col. 7 Lines 23-25, a print profile containing comprising a set of data points are selected to be applied)..**

The combination does not explicitly teach an image processing apparatus wherein: a host computer which provides printing information to the image forming apparatus.

However, the mentioned claimed limitations are well known in the art as evidenced by Akira '938, In particular, Akira '938 teaches the use of an image processing apparatus wherein: a host computer which provides printing information to the image forming apparatus (**i.e., Para 0012, computer provided with a printer driver which outputs the data in the computer to the printer ).**

In view of this, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the image processing apparatus of Kanamori '978, Rylander '648 and Adam, '739 as taught by Akira '938 since Akira '938 suggested that such a modification would utilize a host computer to control and send print information to an image forming apparatus for overall control of an image forming apparatus from a remote location.

4. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over '978 in view '648 in view of '739 and in further of Itagaki (hereinafter "Itagaki '731" 2004/0004731).

With respect to **Claim 47**, the combination of Kanamori '978, Rylander '648 and Adam '739 do not explicitly teach an image processing method, further comprising establishing a simulator representing for each of said first measurements in said device-

independent color space, a reverse relationship of said device-independent color space to said RGB color space of said second image forming apparatus, based on said second correspondence relationship.

However, the mentioned claimed limitations are well known in the art as evidenced by Itagaki '731, In particular, Itagaki '731 teaches the use of an image processing method, further comprising establishing a simulator (*i.e., 104 of Fig. 3, ICC profile*) representing for each of said first measurements in said device- independent color space (*i.e., Para 0064, ICC profile provides representations of first measurements in a device independent color space*), a reverse relationship of said device-independent color space to said RGB color space of said second image forming apparatus, based on said second correspondence relationship (*i.e., Para 0064 , ICC profile provides a reverse relationship of device independent color space to RGB color space of a second image forming apparatus based on that device characteristics* ).

In view of this, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the image processing apparatus of Kanamori '978, Rylander '648 and Adam '739, as taught by Itagaki '731 since Itagaki '731 suggested in Para 0013 that such a modification would prevent such inconvenient paper selection and further f automatically selecting a print sheet.

### **Conclusion**

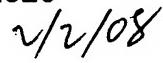
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Dicker whose telephone number is (571) 270-3140. The examiner can normally be reached on Monday -Friday 7:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Aung Moe  
SPE  
Art Unit 2625  


DD  
1/30/2008